

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

THIS DOCUMENT RELATES TO
TRACK 2 SETTLEMENT

Master Civil No. 01-cv-12257

MDL No. 1456

Judge Patti B. Saris

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF PLAINTIFFS' MOTION FOR IMPOSITION
OF APPEAL BOND AGAINST CORINNA CONNICK
UNDER FEDERAL RULE OF APPELLATE PROCEDURE 7**

Plaintiffs, by their attorneys, respectfully request leave to file a short reply brief in support of their Motion for Imposition of an Appeal Bond Against Corinna Connick Under Federal Rule of Appellate Procedure 7 ("Motion"). As grounds for the foregoing, Plaintiffs state as follows:

1. Local Rule 7.1(b)(2) requires that additional papers, "whether in the form of a reply or otherwise, may be submitted only with leave of Court." Plaintiffs seek to file this supplemental brief to provide the Court with new evidence of conduct by Mrs. Connick that warrants the imposition of a bond. Plaintiffs served Ms. Connick with a notice of deposition in this matter for the purpose of questioning her on her ability and willingness to post a bond, as well as the basis for her *pro se* notice of appeal. Rather than move for relief in this Court, Ms. Connick refused to appear for her deposition and, on November 17, 2011, sued Class Counsel Kenneth A. Wexler and Wexler Wallace LLP in the United States District Court of the Northern District of Ohio. In her complaint, Ms. Connick seeks declaratory and injunctive relief relating to her deposition, as well as costs, attorneys' fees and interest.

2. On top of this, it has become evident that “professional objector” Edward Cochran is “ghost-writing” Ms. Connick’s submissions in this case without identifying himself as her counsel. This conduct further supports Plaintiffs’ request for the imposition of an appellate bond.

3. Plaintiffs therefore respectfully request leave to file a short supplemental memorandum in support of their Motion, attached as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that this Court grant them leave to file the attached supplemental memorandum in support of their Motion for Imposition of Appellate Bond, and all other relief that this Court deems just and proper.

Respectfully submitted,

DATED: November 21, 2011

/s/ Kenneth A. Wexler

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CERTIFICATE OF SERVICE

I hereby certify that I, Kenneth A. Wexler, caused a true and correct copy of the foregoing *MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR IMPOSITION OF APPEAL BOND AGAINST CORINNA CONNICK UNDER FEDERAL RULE OF APPELLATE PROCEDURE 7* be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on November 21, 2011 a copy to LexisNexis File and Serve for Posting and notification to all parties.

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